

REMARKS

The issues outstanding in the Office Action mailed December 10, 2007, are the rejections under 35 U.S.C. 101, 112 and 102. The Examiner has indicated that claims 7-9 are allowable. Reconsideration of the outstanding issues, in view of the following discussion, is respectfully requested.

Rejections Under 35 U.S.C. 101 and 112

The claims have been re-formatted for U.S. practice, resulting in the deletion of claim 10 which was redundant to claims 11 and 12. Withdrawal of the rejections under 35 U.S.C. 101 and 112 is respectfully requested.

Rejections Under 35 U.S.C. 102

Claims 1 and 3-6 have been rejected under 35 U.S.C. 102(b) over chemical abstracts 8181. It is noted that claim 2, in which ketones are not present as the B ring, is not subject to this rejection. Deletion of substructure (e) obviates this rejection, and withdrawal thereof is respectfully requested.

Claims 1-6 and 10-12 have been rejected under 35 U.S.C. 102(b) over DE '975. Reconsideration of this rejection is also respectfully requested.

Page 3 of the Office Action notes "scheme 3" on page 13 of the DE. In fact, the formulae of scheme 3 disclose compounds with the substituents (mainly F) on the opposite side of the core structure than shown in the current application. The synthesis disclosed in DE'975 is additionally all directed to compounds with no fluorination in ring B, or with a fluorination pattern different from the current application. The overlapping cyclopentene pattern (cf. pattern c in the current application) is excluded in claim 1 by the first of the provisos. Accordingly, withdrawal of this rejection is also respectfully requested.

With respect to allowable claims 7-9, it is noted that claim 7 has been rewritten in independent form as claim 13. Appropriate dependent claims have been placed thereon.

It is submitted that the application is in condition for allowance, and passage to issue is

respectfully requested. However, if the Examiner has any questions or comments, he is cordially invited to telephone the undersigned at the number below.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

/Harry B. Shubin/

Harry B. Shubin, Reg. No. 32,004
Attorney/Agent for Applicant(s)

MILLEN, WHITE, ZELANO
& BRANIGAN, P.C.
Arlington Courthouse Plaza 1, Suite 1400
2200 Clarendon Boulevard
Arlington, Virginia 22201
Telephone: (703) 243-6333
Facsimile: (703) 243-6410

Attorney Docket No.: MERCK-3139

Date: March 10, 2008